

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TAMARA ROBINSON

PLAINTIFF

v.

Civil No. 06-488

WAL-MART STORES, INC., et al.

DEFENDANTS

O R D E R

Currently before the Court are Defendants' Motion to Stay (Docs. 10-11), Plaintiff's Response (Doc. 15), Defendants' Reply (Doc. 18) and Plaintiff's Sur-reply (Doc. 23). Defendants move this Court to stay the proceedings in this action pending the outcome of the appeal in *Administrative Committee of the Wal-Mart Stores, Inc. Associates' Health and Welfare Plan v. Gamboa*, United States Court of Appeals for the Eighth Circuit, No. 06-2285. Defendants contend the issues presented in this case are identical to those in *Gamboa*. Plaintiff opposes the motion contending that some of her claims against Defendants will be unaffected by any outcome of the *Gamboa* appeal and that a stay would allow competing class actions to be certified prior to Plaintiff seeking class certification in this action.

The power to stay proceedings is incidental to the court's inherent power to control its docket. See *Lunde v. Helms*, 898 F.2d 1343 (8th Cir. 1990). As the Eighth Circuit's determination of the issues presented on appeal in *Gamboa* will have an effect upon this case, the Court finds that the motion should be and hereby is GRANTED and this action is stayed pending the outcome of

the appeal in *Administrative Committee of the Wal-Mart Stores, Inc. Associates' Health and Welfare Plan v. Gamboa*, United States Court of Appeals for the Eighth Circuit, No. 06-2285.

IT IS SO ORDERED this 10th day of July 2006.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge